

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

**PRETERM-CLEVELAND, INC.,**  
*et al.*,

Plaintiffs,

v.

**OHIO ATTORNEY GENERAL  
DAVE YOST, et al.**,

Defendants.

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Case No. 1:19-cv-00360

JUDGE MICHAEL R. BARRETT

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**DEFENDANTS' EMERGENCY MOTION TO DISSOLVE INJUNCTION**

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Pursuant to Rule 65(b)(4), Defendant Ohio Attorney General Dave Yost Ohio hereby moves this Court to immediately dissolve the preliminary injunction entered on July 3, 2019 in this case. The Court's decision rests entirely on the conclusion that the challenged law, S.B. 23, violates the right to an abortion recognized in *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992) and *Roe v. Wade*, 410 U.S. 113 (1973). See *Preterm-Cleveland v. Yost*, 394 F. Supp. 3d 796 (S.D. Ohio 2019) (order granting preliminary injunction). The Supreme Court of the United States overruled those cases, holding that there is no constitutional right to an abortion. See *Dobbs v. Jackson Women's Health Organization*, No. 19-13923, slip op. (U.S., June 24, 2022). After *Dobbs*, abortion laws are subject to the same standard as any other law: rational basis review. *Id.* at 77–78. And the law here satisfies that easy-to-meet standard for the same reason as the Mississippi law at issue in *Dobbs*: it rationally promotes the State's legitimate interest in “protecting the life of the unborn.” See slip op. at 78 (internal quotation marks omitted).

The ruling in *Dobbs* represents a substantial change in the law, and abrogates the prior legal basis supporting this Court's Order enjoining enforcement of the challenged law.

Because there exists no just reason for delay, Defendants respectfully request this Court immediately dissolve the preliminary injunction and dismiss this case. Indeed, the State of Ohio will be irreparably harmed by any delay whatsoever: "Any time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury." *Thompson v. DeWine*, 976 F.3d 610, 619 (6th Cir. 2020) (*per curiam*) (internal quotation marks omitted; alteration accepted).

Respectfully submitted,

DAVE YOST  
Ohio Attorney General

/s/ Amanda L. Narog

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 24, 2022, the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing has been served by e-mail or facsimile upon all parties for whom counsel has not yet entered an appearance.

*/s/ Amanda L. Narog*

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